

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4771 of 1984

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

GUJARAT VETERINARY LIVESTOCK INSPECTORS' ASSOCIATION

Versus

STATE OF GUJARAT

Appearance:

MR KG VAKHARIA for Petitioners

MS PS PARMAR for Respondent No. 1 and 3

None present for other Respondents

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 21/02/97

ORAL JUDGEMENT

1. The petitioner, Gujarat Veterinary Livestock Inspectors' Association, and three others filed this Special Civil Application before this Court in which following prayers have been made:

(A) A writ of mandamus or a writ in the nature of mandamus or any other appropriate writ, order or direction may kindly be granted directing the

second respondent to appoint a Registrar under Section 13 of the Act and directing the said Registrar to prepare a Register under Section 14 sub-section (1) of the Act including the names of the petitioners and other similarly situated Livestock Inspectors and to register them as Registered Veterinary Practitioners.

(B) A writ of mandamus or a writ in the nature of mandamus or any other appropriate writ, order or direction may kindly be granted directing the State Government to take appropriate actions under Section 35 of the Act to amend the Schedule of the Act and to include the names of the petitioners and other similarly situated persons in the Register of Registered Veterinary Practitioners.

(C) Permission to file the present petition under Order 1 Rule 8 of the Civil Procedure Code on behalf of the petitioners and the persons mentioned in Annexure B and other similarly situated persons may kindly be granted...

2. The Directive Principles of State Policy as enshrined in Article 48 of the Constitution of India envisage to organise agriculture and animal husbandry on modern and scientific lines and to take steps for preserving and improving the breeds and prohibiting the slaughter of cows, calves and other milch and draught cattle. The first five year plan which was put in operation in the year 1955 contemplated improvement of agriculture and animal husbandry on modern scientific lines. However, at that time, it was not possible for want of technical personnel to implement the animal husbandry programmes and, therefore, the State Government chalked out a training programme and opened institutions at various places in the State. The training course was known as Stockmen Training Course which was later on re-named as Livestock Inspectors' Training Course. The duration of this training course was of one year. The minimum qualification required for admission to the said course was Matriculation with English and Science subjects. The petitioners No.2, 3 and 4 have undergone the said training course and thereafter they were appointed as Livestock Inspectors in the Department of Animal Husbandry. The other persons named in Annexure 'B' have also undergone the aforesaid training course and they have been also appointed as Livestock Inspectors in the department. The petitioners have given out the details of the duties which are to be discharged by the

Livestock inspectors in the department.

3. With effect from 10th July, 1973, the Gujarat Veterinary Practitioners Act, 1969 had come into force. The said Act provides regarding the Register of Veterinary Practitioners for the State of Gujarat. The petitioners have made a grievance that their names were not included in the register of Veterinary Practitioners maintained for the State though they are eligible, qualified and entitled for the inclusion of their names. Many representations have been made before the State Government for the inclusion of their names in the register and the Director of Animal Husbandry also recommended for the inclusion of their names in the register, yet their names were not included. The petitioners made a representation to the Gujarat State Veterinary Council and they have been informed by the council that the Director of Department vide its letter dated 8th October, 1980 has already recommended for the inclusion of their names in the register. Further representation has been made by the petitioners, but their names were not included in the register. So the qualification which they possessed in the Veterinary Science were not taken to be sufficient for practising as a Veterinary Practitioners.

4. Section 14 of the aforesaid Act provides for the preparation of the register of the Veterinary Practitioners for the State. Every person who possesses any of the qualifications specified in the Schedule or is for time being registered under any law for the registration of Veterinary Practitioners in force in any other State in India with whom reciprocity of registration of the Veterinary Practitioners has been arranged by the State Government, shall, at any time on an application made in the form prescribed by rules to the Registrar and on payment of a fee prescribed by the regulations, be entitled to have his name entered in the register.

5. Section 35 of the aforesaid Act provides that the State Government on the report of the Council or otherwise, if it appears to it that the Courses of study and examinations prescribed by any university, body or institution conferring any degree, diploma, certificate or any other like award not entered in the Schedule, are such as to secure the possession by its recipient of the requisite knowledge and skill for the efficient practice of the veterinary science, it may from time to time, by notification in the Official Gazette, amend the Schedule and include therein such degree, diploma, certificate or,

as the case may be, award, subject to any conditions that may be specified in respect thereof.

6. The grievance of the petitioners is that their certificate for the veterinary science which they received from the institution run by the State Government has not been included in the Schedule, and as such, they will not be registered as a Veterinary Practitioners and will not be eligible to do private practise though the similar certificate in the State of Maharashtra has been considered to be sufficient for permitting those persons to practise as a Veterinary Practitioners. It is further grievance of the petitioner that the State Government has sufficient powers under Section 35 of the Act for inclusion of the certificate in the Schedule to make the holder thereof eligible to practise as a Veterinary Practitioner, but the State Government has not decided so far on this issue.

7. The reply to the Special Civil Application has not been filed by the respondents. The petitioner has produced on record the syllabus of the Livestock Inspector Training Course, and they made a representation to the State Government from time to time in respect of the grievance of inclusion of the said certificate in the Schedule of the Act, 1969, and those facts are not controverted by the respondents.

8. The counsel for the respondents has made an oral submission that the State Government has considered the matter and has declined to include the certificate possessed by the members of the petitioner-association and other petitioners in the Schedule attached to the Act, 1969. No such decision has been brought on record of this Special Civil Application. Even if such a decision has been taken then the matter is not once for all closed. These are the matters which are always open for reconsideration and to take a fresh decision.

9. The counsel for the petitioners very fairly submitted that in case, the State Government again considers this matter for inclusion of the certificate possessed by the members of the petitioner-association and other petitioners in the Schedule attached to the Act, 1969, then he will withdraw this petition with a liberty to approach the respondent-State of Gujarat in the matter by filing a detailed representation. The counsel for the respondents, on the other hand, very fairly submitted that in case, the petitioners withdraw this writ petition and they approach to the State Government by filing a representation, then the State Government shall consider

the matter afresh in accordance with law.

10. In view of the aforesaid statements made by the counsel for the parties, I consider it to be appropriate to dispose of this Special Civil Application with the direction to the respondent No.1, State of Gujarat, through its Secretary, Agriculture and Forests Department at Gandhinagar to decide the matter of inclusion of the certificate possessed by the members of the petitioner-association and other petitioners in the Schedule attached to the Act, 1969, afresh in accordance with law, within a period of four months from the date of receipt of representation from the petitioner-association. The petitioner-association shall be at liberty to file a representation within a period of one month from the date of receipt of certified copy of this order. This representation shall be sent to the Secretary of the Department under the registered letter and copy of this order may also be enclosed thereto. It shall be open to the petitioner-association to make a request to the Secretary, if it so desires, for the personal hearing. While deciding this matter, it shall be open to the Secretary to the department to hear the council, Gujarat Veterinary Council, also. In case, the Secretary to the Department ultimately decides not to include the certificate possessed by the members of the petitioner-association and other petitioners in the Schedule attached to the Act, 1969, then a reasoned order may be passed and copy thereof may be sent to the petitioner-association by registered post. This Special Civil Application stands disposed of accordingly. Rule stands disposed of in the aforesaid terms with no order as to costs.

zgs/-